

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ASHLEY SUMMERS

v.

FIRST STATE BANK

)
)
)
)
)

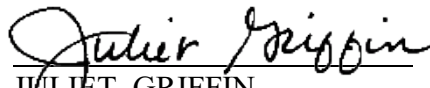
NO. 3:13-0439

ORDER

The Defendant's motions (Docket Entry No. 41 and 43) to strike the Declaration of Trevor Heck are DENIED. Notwithstanding the Defendant's arguments for striking the Declaration, given that the Declaration is the sole item of evidence upon which the plaintiff relies in opposing the Defendant's motion for summary judgment and the Court prefers to decide this action upon a full record, the Court declines to impose the drastic step of striking the Declaration. The deficiencies that exist with respect to the Declaration have been clearly identified by the Defendant and the Court is able to assess these deficiencies in determining the relative merit and persuasiveness to give to the content of the Declaration.¹

Any party desiring to appeal this Order may do so by filing a motion for review no later than fourteen (14) days from the date this Order is served upon the party. The motion for review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for appeal. See Rule 72.02(b) of the Local Rules of Court.

So ORDERED.


JULIET GRIFFIN
United States Magistrate Judge

¹ The Defendant has filed a third motion to strike (Docket Entry No. 77), which has been addressed in the contemporaneously entered Report and Recommendation.